

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:

Veolia Environmental Services

7 Mobile Avenue

Sauget, St. Clair County, Illinois

Title V Permit No. V-IL-1716300103-08-01

Proceeding Pursuant to Title V
of the Clean Air Act,
42 U.S.C. § 7661, *et seq.*

**NOTICE OF INTENT TO DENY A PERMIT MODIFICATION REQUEST BY
VEOLIA ENVIRONMENTAL SERVICES**

AND

PROPOSED REOPENING OF VEOLIA'S TITLE V PERMIT

This notice is to inform the public that the U.S. Environmental Protection Agency has received and reviewed an application from Veolia Environmental Services (Veolia), located at 7 Mobile Avenue, Sauget, St. Clair County, Illinois, to modify its Clean Air Act Title V operating permit to add feedrate limits for certain heavy metals. The heavy metals include mercury, semivolatile metals (cadmium and lead), and low volatile metals (arsenic, beryllium, and chromium). EPA has determined that the requested limits are unacceptable under existing federal regulations and guidance. EPA is proposing to deny Veolia's application to incorporate feedrate limits, and to reopen Veolia's Title V permit to incorporate feedrate limits that EPA considers to be supported by available performance test data. EPA is issuing this notice pursuant to 40 C.F.R. § 71.11(a) and (d).

A. Summary of Veolia's Request

Veolia's Title V permit, which EPA issued on September 12, 2008 in accordance with 40 C.F.R. Part 71, requires Veolia to submit a significant modification application to incorporate heavy metal feedrate limits. The heavy metal feedrate limits (also called operating parameter limits or OPLs) are required by the National Emission Standards for Hazardous Air Pollutants (NESHAP) from Hazardous Waste Combustors, 40 C.F.R. Part 63, Subpart EEE. The limits are reported as pounds of metal fed into each incinerator per hour.

Veolia established the heavy metal feedrate limits for which it applied by extrapolating the results of comprehensive performance tests performed in August and September 2008 to higher metal feedrates, pursuant to 40 C.F.R. § 63.1209(l)(1)(v) and (n)(2)(vii), and requested that EPA incorporate the extrapolated feedrates into the Title V permit as operating parameter limits. Veolia has requested feedrate limits that are three times higher than the performance test feedrates.

B. Facility Description

Veolia owns and operates a hazardous waste incinerator in Sauget, St. Clair County, Illinois. Veolia's Sauget facility is a treatment, storage and disposal facility, which accepts offsite waste for disposal through incineration. Veolia receives containers and bulk shipments of hazardous and solid wastes, transfers them to temporary storage facilities, processes them, and incinerates them in one of three combustion units. The facility includes two fixed-hearth, dual chamber, multi-type feed incinerators (Incinerators 2 and 3), each rated at 16 million British thermal units per hour (mmBtu/hr), and one rotary kiln incinerator (Incinerator 4), rated at 50 mmBtu/hr. Incinerators 2 and 3 each use spray dry absorbers with lime slurry injection to control hydrogen chloride emissions and baghouses for particulate matter. Incinerator 4 uses a spray dry absorber for hydrogen chloride control, an activated carbon injection system for mercury control, and a baghouse for particulate matter control.

Veolia's Sauget facility is located just east of St. Louis, Missouri, in an area with potential environmental justice concerns.

C. Proposed Actions

Upon review of Veolia's application, which EPA received on March 2, 2010, EPA has determined that Veolia cannot achieve the maximum achievable control technology (MACT) standards for heavy metals under the Hazardous Waste Combustor NESHAP, 40 C.F.R. Part 63, Subpart EEE, using the requested feedrate limits. EPA therefore intends to 1) deny the application for extrapolated feedrate limits, 2) pursuant to 40 C.F.R. § 71.7(f)(iv) reopen Veolia's permit to incorporate feedrate limits that EPA considers to be supported by the available test data, and 3) supplement monitoring requirements, as necessary, to assure compliance with the proposed feedrate limits. Thus, EPA is making available for public comment a draft significant modification to Title V Permit No. V-IL-1716300103-08-01 (draft permit) that contains heavy metals feedrate limits proposed by EPA. The draft permit is subject to a minimum 30-day public comment period as required by 40 C.F.R. §§ 71.11(a)(3) and (d). See Section E below for details on the public comment period.

D. Basis for the Proposed Action

As required by 40 C.F.R. § 71.11(b), EPA has provided the reasons supporting our determination in a statement of basis, which is available as part of the administrative record for this action. EPA also has summarized those reasons below.

1. Mercury Feedrate Limits

Based on the available information, EPA does not believe that any extrapolation is appropriate for mercury because a) Veolia's requested mercury feedrate limits could result in violations of the applicable mercury MACT limits; b) for Incinerator 4, Veolia has not provided sufficient data to understand the relationship between the necessary amount of activated carbon needed to maintain the calculated system removal efficiency at different mercury feedrates; and c) since mercury was spiked during comprehensive performance testing, the mercury spike rates and the

native mercury content of the waste should be used to set the feedrate limit without extrapolation. Therefore, EPA is proposing to deny Veolia's application to modify its Title V permit and, because EPA has determined that Veolia's current Title V permit does not assure compliance with the standards at 40 C.F.R. §63.1219, incorporate into Veolia's Title V permit as mercury feedrate limits the feedrates at which Veolia conducted its 2008 testing.

2. Semi-volatile metals and low-volatile metals

Veolia has applied for a modification to its permit to incorporate feedrate limits for semi-volatile metals (SVM) and low-volatile metals (LVM) which are significantly higher than the highest reported historical feedrates for these metals – in some cases more than twice the maximum historical rates. EPA's policy is not to grant requests for extrapolated feedrate limits that are significantly higher than the reported historical normal metal feedrates for the source. See, for example, 62 Federal Register 24238. Therefore, we are proposing to deny Veolia's application to modify its Title V permit to incorporate extrapolated feedrate limits for SVM and LVM. At the same time, EPA has determined that, because Veolia's current Title V permit does not include OPLs for SVM and LVM, it does not assure compliance with the limitations at 40 C.F.R. §63.1219. Thus, we are proposing to reopen Veolia's permit pursuant to 40 C.F.R. §71.7(f)(iv) to incorporate into Veolia's Title V permit SVM and LVM feedrate limits that EPA considers to be supported by the available test data.

E. Request for Public Comment

EPA requests public comment on our proposal to deny Veolia's request to modify its Title V permit to incorporate extrapolated feedrate limits and on the heavy metal feedrate limits and proposed monitoring requirements in the draft permit. The public comment period for both the denial of Veolia's modification request and EPA's modifications to the permit ends **March 4, 2013**. Members of the public may review the administrative record for the modifications contained in the draft permit, including copies of the draft permit prepared by EPA, the statement of basis for the draft permit, the application, and all data and supporting materials submitted by the applicant at www.regulations.gov docket ID EPA-R05-OAR-2012-0649 or at EPA Region 5, 77 West Jackson Boulevard, 18th floor, Chicago, Illinois 60604, by contacting David Ogulei at (312) 353-0987 or ogulei.david@epa.gov. All documents will be available for review at the EPA Region 5 office in Chicago Monday through Friday from 8:15 AM until 4:45 PM (excluding federal holidays).

Pursuant to 40 C.F.R. §71.11(f), EPA is holding a **Public Hearing on February 19, 2013** at the **Southern Illinois University Edwardsville – East St. Louis Higher Education Campus, 601 James R. Thompson Blvd., East St. Louis, Illinois 62201 from 3:00 PM to 7:00 PM**. The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning the proposed action. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. The EPA will consider written statements and supporting information submitted during the comment period with the same weight as any oral comments and supporting information presented at the public hearing. Supporting materials submitted with written comments must be included in full and may not be incorporated by reference unless they are already part of the administrative record, or consist of

state or federal statutes or regulations, EPA documents of general applicability, or other generally available reference materials.

If you would like to provide oral testimony at the hearing, you must register your name on the sign-in sheet that will be available at the hearing venue on the date of the hearing. You will be called to testify on a first-come-first-serve basis. Oral testimony will generally be limited to five to ten minutes, depending on the number of speakers, for each commenter to address the draft permit. EPA will not provide equipment for commenters to show overhead slides or make computerized slide presentations. Commenters should notify David Ogulei at Ogulei.david@epa.gov, by **[insert date]**, if they need specific translation services for non-English speaking commenters.

The EPA encourages commenters to provide written versions of their oral testimonies either electronically or on computer disk or CD ROM or in paper copy. Written comments and requests to receive notices of any future actions may be submitted to EPA by **[insert date]**, using one of the following methods: (1) www.regulations.gov: Docket ID No. EPA-R05-OAR-2012-0649; (2) <http://www.epa.gov/region5/publicnotices/veolia.htm>; (3) *E-mail*: Ogulei.david@epa.gov; (4) *Fax*: (312) 692-2080; or, (5) *Mail*: George Czerniak, Director, Air and Radiation Division (A-18J), at the above EPA address. All written comments should include: the reason for interest in the draft permit, requested actions for EPA to take, and the justification for such actions. All comments should include sufficient specificity and regulatory references to allow EPA to investigate the merits of the position. All comments will be included in the public docket without change and may be made available to the public, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through e-mail. If you send e-mail directly to EPA, your e-mail address will be captured automatically and included as part of the public comment.

F. Final Decision

Shortly after the close of the public comment period, and after EPA has considered all relevant comments received prior to the end of the public comment period and all comments made during the public hearing, EPA will decide whether or not to proceed with denial of Veolia's requested permit modifications and adoption of EPA's proposed feedrate limits and monitoring requirements.

If EPA makes a final decision to deny the modification request and adopt EPA's proposed feedrate limits, the final decision will become effective 30 days after the service of notice of the decision, pursuant to 40 C.F.R. § 71.11(i)(2), unless (i) a later effective date is specified in the decision; (ii) review is requested under 40 C.F.R. § 71.11(l) (in which case the specific terms and conditions of the permit which are the subject of the request for review shall be stayed); or (iii) no comments requested a change in the draft permit, in which case the permit shall become effective immediately upon issuance. If EPA determines that the initial decision to deny Veolia's request was incorrect, we will withdraw the notice of intent to deny and proceed to prepare a revised draft permit under 40 C.F.R. § 71.11 (a)(3) and (4).

The final permit is a public record that can be obtained upon request. A statement of reasons for changes made to the draft permit and responses to comments received will be sent to all persons who commented on the draft permit. Please note that an e-mail or postal address must be provided with your comments if you wish to receive direct notification of EPA's final decision regarding the permit and its responses to comments submitted during the public comment period. If you believe any condition of the draft permit is inappropriate or that our initial decision to deny Veolia's application or prepare the draft permit is inappropriate, you must raise all reasonably ascertainable issues and submit all reasonably ascertainable arguments supporting your position by the end of the comment period.

G. Appeal Procedures

Within 30 days after a final permit decision has been issued, any person who filed comments or participated in the public hearing may petition the Environmental Appeals Board to review any condition of the permit decision, in accordance with 40 C.F.R. § 71.11(l). Appeals should be filed with the Hearing Clerk at the following address:

Environmental Appeals Board
MC 1103B
U.S. Environmental Protection Agency
401 M Street, SW
Washington, DC 20460